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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 E.M. BLAJOS,

11 Plaintiff,

No. CIV S-02-1454 GEB JFM P

12 vs.

13 R. CAMPBELL, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding through counsel with a civil rights action
17 pursuant to 42 U.S.C. § 1983. On October 3, 2006, plaintiff and defendant Max Lemon lodged a
18 stipulation and proposed order for dismissal of defendant Lemon from this action with prejudice.
19 The stipulation is signed by counsel for plaintiff and counsel for defendant Lemon. It is not
20 signed by counsel for defendant Borrego or counsel for defendant Bunnell. By order filed
21 October 24, 2006, defendants Borrego and Bunnell were granted a period of ten days in which to
22 file and serve a response to the proposed dismissal of defendant Lemon. On October 25, 2006,
23 defendants Borrego and Bunnell each filed a statement of non-opposition to the proposed
24 dismissal.

25 Pursuant to the stipulation of the parties and the statements of non-opposition
26 thereto, and good cause appearing, IT IS HEREBY ORDERED that:

1 1. The October 3, 2006 stipulation for dismissal of defendant Max Lemon is
2 approved; and

3 2. Defendant Max Lemon is dismissed from this action with prejudice with
4 plaintiff and said defendant to each bear their own fees and costs. See Fed. R. Civ. P. 41.

5 DATED: October 27, 2006.

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8 UNITED STATES MAGISTRATE JUDGE

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